



## ZONING ADMINISTRATOR NOTICE OF DECISION

**Date:** May 8, 2014  
**Applicant:** Carl's Jr. Fast Food Restaurant  
**Case No.:** DRC-13-12  
**Address:** 996 Third Avenue  
**Project Planner:** Harold Phelps, AICP

Notice is hereby given that on May 8, 2014, the Zoning Administrator considered Design Review Permit (DRC) application DRC-13-12, filed by Lyons Warren Engineers representing Carl Karcher Enterprises (CKE) aka Carl's Jr. ("Applicant").

The Applicant requests Design Review approval to construct a 2,887-sq. ft. replacement to the existing Carl's Jr. fast food restaurant building ("Project"). The Project is located at 996 Third Avenue ("Project Site") owned by CKE ("Property Owner").

Planning Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies as a categorical exemption (15303-C) for new construction of commercial buildings on sites zoned for such use. No further environmental review or documentation is necessary.

The Zoning Administrator, under the provisions of Section 19.14 of the Chula Vista Municipal Code, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14:

**1. That the proposed development will be consistent with the City of Chula Vista's General Plan, and Title 19 (Zoning) of the Chula Vista Municipal Code (CVMC).**

The proposed project is consistent with the development regulations of the City of Chula Vista General Plan's Land Use Designation of Commercial Retail (CR) and Title 19 (Zoning) in the Chula Vista Municipal Code (CVMC). The following Project Data Table identifies the development regulations along with the applicant's proposal to meet development regulations requirements:

Assessor's Parcel Numbers:	619-010-08-00 & 619-010-09-00
General Plan Land Use Designation:	Commercial Retail (CR)
CVMC Zoning:	Central Commercial with a Precise Plan (CCP)
Lot Area:	27,952-sq. ft./0.64-acres
<u>Parking Required:</u> 15-spaces +5 queue space for drive-up service	<u>Parking Proposed:</u> 27-spaces, (25 standard, 2 ADA) +9 queue spaces in dual drive-thru lanes

20 Total Spaces	36 Total Spaces
<u>Setbacks, Lot Coverage, Height Required:</u> Front and Exterior Side: 10-ft. Rear and Interior Side: None Lot Coverage Maximum: 50% Height Maximum: 45-ft.	<u>Setbacks, Lot Coverage, Height Proposed:</u> Front and Exterior Side: 40-ft / 20-ft. Rear and Interior Side: 44-ft. / 48-ft Building Lot Coverage: 10% Building Height: 23-ft.

**2. The design features of the proposed development are consistent with, and are a cost-effective method of satisfying, the City of Chula Vista Design Manual and Landscape Manual.**

The proposed project is consistent with the development regulations of the Chula Vista Design and Landscape Manual. There are significant elements of the new replacement building, reconfigured parking plan, and additional landscaping areas that improve the project's compliance and conformity with the City's design manuals and regulations.

The Zoning Administrator, under the provisions of Section 19.14.582 G of the Chula Vista Municipal Code, has conditionally approved the project subject to the following conditions:

- I. The following shall be accomplished to the satisfaction of the Development Services Director, prior to issuance of building permits, unless otherwise specified:
  1. Prior to approval by the City of Chula Vista for the use of the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Applicant/Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

**Planning Division:**

2. Prior to the issuance of any building permits, the Applicant shall provide, or in conjunction with the submittal of plans for the building permit, payment for all applicable fees, including any unpaid balances of permit processing fees for deposit account DQ-1732.
3. Prior to the issuance of any building permits, the Applicant shall provide, or in conjunction with the submittal of signage permits, a colors and materials board consistent with the colors and materials of the existing restaurant and pole sign that is to remain. Any changes to the color scheme will require new colored elevations prior to issuance of signage permits.
4. Prior to the issuance of any building permits, the Applicant shall provide a detailed landscape plan prepared by a registered landscape architect for review and approval by the City's Landscape Architect. Plans shall be prepared per the Landscape Manual and CVMC requirements. The "Concept Design Statement, Design Objective" must include a reference to the Chula Vista Landscape Water Conservation Ordinance which states... "these landscape plans comply with the City of Chula Vista Landscape Water Conservation Ordinance, Municipal Code chapter 20.12". Existing landscape that is shown to be replaced must be replaced with drought tolerant landscaping in compliance with Chapter 20.12 of the Municipal Code. No turf shall be used.
5. Prior to the issuance of any building permits, the Applicant shall ensure that a graffiti resistant treatment shall be specified for all wall and building surfaces, and noted on any building and wall plans. Additionally, the project shall conform to CVMC Section 9.20.055 regarding graffiti control. The applicant shall remove all graffiti on a regular basis. The Applicant shall place a note to this effect on the building permit plans to the satisfaction of the Development Services Director.
6. Prior to the issuance of any building permits, the Applicant shall ensure that all roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Development Services Director. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Development Services Director.
7. Prior to the issuance of any building permits, the Applicant shall ensure that all ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Director of Development Services.
8. Prior to the issuance of any building permits, the Applicant shall develop, submit and obtain approval of "Recycling and Solid Waste Management Plan" by the City's

Conservation Coordinator. The synopsis of the plan shall be included in the notes on the Building Plans. The plan shall demonstrate those steps that the Applicant will take to comply with the Municipal Code, including but not limited to Sections 8.24 and 8.25, and meet the State mandate to reduce or divert 50 % of the waste generated by commercial, residential and industrial developments. The Applicant shall contract with the City's franchise hauler throughout the construction and occupancy phase of the project. A "Recycling and Solid Waste Management Guide" is available at the Development Services counter. The Plan shall include a statement of how the Applicant will implement and participate in the Recycling and Solid Waste Management Plan requirements, to the satisfaction of the City's Conservation Coordinator.

9. Prior to the issuance of any building permits, the Applicant shall ensure the trash enclosure, as shown on the conceptual site plan, complies with current city standards. The proposed trash enclosure shall be designed with appropriate screening. The new trash and recycling bins must meet the restaurant customer disposal demand and any other ancillary restaurant waste service needs such as grease rendering, and have a solid roof. Refer to the Recycling and Solid Waste Planning Manual for a full design description. The final design shall be reviewed and approved to the satisfaction of the City's Conservation Coordinator.

#### **Engineering Division**

10. Prior to the issuance of any building permits, the Applicant shall obtain construction permits to replace any damaged or non-conforming sidewalk and pedestrian ramps per the latest ADA requirements.
11. Prior to the issuance of any building permits, the Applicant shall show how run-off from gutters and driveways will be treated. The applicant will be required to treat the storm water runoff from 100-percent of the site.
12. Prior to the issuance of any building permits, the Applicant shall determine methods for water quality treatment. The use of porous pavers is no longer considered treatment by the City of Chula Vista for the bio-retention basins proposed in areas such as the previous location of the trash enclosure and the landscape areas adjacent to the right-of-way.
13. Prior to the issuance of any building permits, the Applicant shall submit Form 5500, in order to determine if a Water Quality Technical Report is required.
14. Prior to the issuance of any building permits, the Applicant shall comply with Section 15.32 of the Municipal Code regarding the undergrounding of utilities.
15. Prior to the issuance of any building permits, the Applicant shall ensure the following fees will be paid based on the final Building Plans submitted per the Master Fee Schedule:

- a. Sewer Connection and Capacity Fees
- b. Traffic Signal Fee
- c. Public Facilities Development Impact Fees

In addition, deposits or fees in accordance with the City Subdivision Manual and Master Fee Schedule will be required for the submittal of the following item:

- a. Construction Permit
16. Prior to the issuance of any building permits, the Applicant shall determine if the proposed project requires grading and over 250 cubic yard of earthwork, and if so a Land Development Permit will be required.
  17. Prior to the issuance of any building permits, the Applicant shall ensure the site design includes features to meet NPDES Standards. These features shall maximize infiltration and minimize impervious land coverage while conveying storm water runoff.
  18. Prior to the issuance of any building permits, the Applicant shall provide plans that demonstrate that storm water runoff from parking areas are directed to landscaped areas before discharge to storm drainage systems
  19. Prior to the issuance of any building permits, the Applicant shall provide that the trash enclosure area be covered with a roof or awning to avoid contamination of runoff. The site shall be graded in such a way as to prevent run-on into, and run-off from, the trash enclosure area.
  20. Prior to issuance of any building permits, the Applicant shall provide that all on-site storm drain inlets and catch basins be provided with permanent stenciling and signage according to City of Chula Vista Standards to prohibit illegal discharge to the storm drain system.
  21. Prior to the issuance of any building permits, the Applicant shall obtain separate permits for other public utilities (gas, electric, water, cable, telephone), as necessary.
  22. Prior to the issuance of any building permits, the Applicant shall provide that any improvements in the right-of-way beyond the project limits shall be designed and constructed as to not interfere with adjacent businesses, as approved by the City Engineer.
  23. Prior to the issuance of any building permits, the Applicant shall ensure the construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.220 of the Municipal Code.
  24. Prior to the issuance of any building permits, the Applicant shall provide that the sewer lateral and storm drain shall connect to the existing public utilities. The Public Works Operations Section will need to inspect any existing sewer laterals and

- connections that are to be used by the new development. Laterals and connections may need replacement as a result of this inspection.
25. Prior to the issuance of any building permits, the Applicant shall install a manhole for any sewer connection, for a pipe 6-inches or greater, to the public sewer system.
  26. Prior to the issuance of any building permits, the Applicant shall verify the onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
  27. Prior to the issuance of any building permits, the Applicant shall ensure that all proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
  28. Prior to the issuance of any building permits, the Applicant shall obtain an encroachment permit for any private facilities within the Public right-of-way or City Easement.
  29. Prior to the issuance of any building permits, the Applicant shall provide a construction landscape plan for review and approval by the City's Landscape Planner.
  30. Prior to the issuance of any building permits, the Applicant shall provide pedestrian lighting on Third Avenue and Moss Street. Location of pedestrian light poles, trees, detail of the light standards and the labeling of the street trees shall be provided on the building plans and Street Improvement Plans.
  31. Prior to the issuance of any building permits, the Applicant shall demonstrate compliance with the City of Chula Vista's Landscape Water Conservation Ordinance, Chapter 20 12 of the Municipal Code.
  32. Prior to the issuance of any building permits, the Applicant shall comply with the Shade Tree Policy. The parking lot area will be required to provide a minimum of 50-percent shade covering pursuant to the City of Chula Vista City Council Policy #576-19.
  33. Prior to the issuance of any building permits, the Applicant shall complete Forms 550, 5501, and 5504A and implement applicable Best Management Practices (BMPs).

**Building Division:**

34. Prior to the issuance of any building permits, the Applicant shall:
  - a. Comply with all 2013 California Building Codes;

- b. Comply with 2013 California Green Building Standards;
- c. Provide Mandatory California Green Measures which shall be shown in plans or reflected in plan notes;
- d. Provide evidence of a Health Department review and approval;
- e. Complete the San Diego Regional Hazardous Materials Questionnaire and obtain approval from the San Diego County Department of Environmental Health Hazardous Material Division and Air Pollution Control District;
- f. Provide plans designed by an Architect licensed by the State of California;
- g. Provide a separate permit application for demolition and signs;
- h. Provide structural calculations, plans, and details by a California licensed civil engineer for all structures shown on site plan.
- i. Provide a geological report/soils report per CBC 1803.2;
- j. Comply with accessibility requirements per CVC Chapter 11B.

**Fire Department:**

- 35. Prior to the issuance of any building permits, the Applicant shall:
  - a) Comply with all applicable California Title 24 Code (CBC, CFC, etc.).
  - b) Provide documentation, via the appropriate Water Authority, that the minimum required fire flow of 1,500 gallons per minute for 2-hour duration measured at 20 pounds per square inch (psi) is available.
- 36. Prior to the issuance of any building permits, the Applicant shall be required to provide a fire flow for a Type VB building located less 400-ft. away from a fire hydrant can be provided by the fire hydrant located on the corner of Moss and Third Avenue. No reductions in fire flow will be granted for buildings protected by an approved automatic fire sprinkler system.
- 37. Prior to the issuance of any building permits, the Applicant shall be required to provide fire apparatus access where buildings extend beyond 150-ft., and no on site access will be required for this project based on the site plan. The building shall be provided with Knox appliances.
- 38. Prior to the issuance of any building permits, the Applicant shall be required to address the building subject to the following criteria in accordance with fire safety requirements: 0 – 50 feet from the building to the face of the curb = 6-inches in height with a 1-inch stroke.
- 39. Prior to the issuance of any building permits, the Applicant shall ensure the project is fire provided one fire extinguisher for every 3000 square feet and 75 feet of travel in any direction.

**II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.**

1. The Applicant shall maintain the Project in accordance with the approved plans for DRC-13-12, which includes site plan and architectural elevations on file in the Development Services Planning Division, the conditions contained herein, and Title 19.
2. The Applicant shall maintain the Project and all landscaping and hardscape improvements shall be installed and maintained in accordance with the approved landscape plan.
3. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless the City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
5. This Design Review Permit shall become void and ineffective if not utilized within thirty-six (36) months from the effective date thereof, in accordance with Section 19 14 600 of the Municipal Code, unless an extension application is submitted within 30-days of the expiration date of May 8, 2017.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 8th day of May 2014.



Mary Ladiana  
Zoning Administrator